

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42474 of 2025**

Arising Out of PS. Case No.-59 Year-2025 Thana- KARAHGAR District- Rohtas

Ashok Tiwari S/o Late Ambika Tiwari Village- Ladui, PS- Kargahar, District-  
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Surendra Kumar Choubey, Advocate  
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.,P

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      09-07-2025                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Kargahar/Karahgar P.S. Case No. 59 of 2025 lodged on 01.03.2025, for the offence punishable under Sections 127(1), 329(3) & 109 of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act, pending in the Court of Sub-Judge-XII-cum-A.C.J.M-IV, Sasaram, Rohtas.

3. As per the prosecution, FIR has been lodged against the sole petitioner. The specific allegation against the petitioner in the FIR is that he has fired twice upon the informant with a country made pistol, but the informant narrowly escaped and ran



into his house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that he has falsely been implicated in this case and there is a land dispute going on between the parties. Counsel also submits that there is no injury caused to the informant in the occurrence. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the Sessions Judge has observed that as per para 5, 6 and 7 of the case diary, the witnesses have supported the case of the prosecution and the petitioner has a criminal antecedent involving section 27 of the Arms Act which is duly recorded in para 20 of the case diary. Counsel further submits that the petitioner is also named in the FIR.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the Trial Court within a period of 4 weeks from today then in that case,



the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

**(Dr. Anshuman, J)**

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